

Amendment No. 4 to HB3163

Fitzhugh
Signature of Sponsor

AMEND Senate Bill No. 3591

House Bill No. 3163*

by deleting § 50-6-913 and § 50-6-918 of the bill as amended and by substituting instead the following:

§ 50-6-913.

(a) There is created a fund to be known as the “Employee Misclassification Education and Enforcement Fund.” Any fee collected pursuant to § 50-6-912(a) shall be deposited in the Employee Misclassification Education and Enforcement Fund. Moneys in the fund shall be invested by the state treasurer in accordance with the provisions of § 9-4-603. The fund shall be administered by the commissioner of labor and workforce development.

(b) All costs of the secretary of state associated with the administration of this part shall be paid by the commissioner of labor and workforce development from the Employee Misclassification Education and Enforcement Fund. Moneys remaining in the fund after such payment may be expended, subject to appropriation by the general assembly, at the direction of the commissioner of labor and workforce development for education of employers and employees regarding the requirements of this part and in support of the ongoing investigation and prosecution of employee misclassification.

(c) Any amount in the Employee Misclassification Education and Enforcement Fund at the end of any fiscal year shall not revert to the general fund, but shall remain available for the purposes set forth in subdivision. Interest accruing on investments and deposits of the Employee Misclassification Education and Enforcement Fund shall be credited to such account, shall not revert to the general fund, and shall be carried forward into each subsequent fiscal year.

§ 50-6-918.

Beginning with fiscal year 2012 -2013, and each fiscal year thereafter, the Employee Misclassification Advisory Taskforce created pursuant to § 50-6-919 shall make recommendations to the general assembly regarding programs and services to be funded from the Employee Misclassification Education and Enforcement Fund created pursuant to § 50-6-913.